

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2011-0055 (Kessler Zoning Change)

**Z.A.P. DATE:** July 19, 2011

**ADDRESS:** 12502 and 12504 Tomanet Trail

**OWNER/ APPLICANT:** Illan David Kessler

**ZONING FROM:** SF-1

**TO:** LR

**AREA:** 1.3276 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to deny LR, Neighborhood Commercial District, zoning for this site.

However, if the zoning is recommended by the Zoning and Platting Commission and granted by the City Council, development should be limited through a conditional overlay to less than 300 vehicle trips per day [LDC, Sec. 25-6-117].

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

7/19/11: Approved staff's recommendation for denial (6-0); D. Tiemann-1<sup>st</sup>, B. Baker-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The properties in question currently contain an undeveloped lot and single family residence that has been converted into a day care facility (Four Season's Community School). According to city records, this area was annexed by the City of Austin on November 12, 1984 (case C7A-84-020), de-annexed through the provisions of State Bill 962 on September 21, 1989 (case C7AD-89-141), and re-annexed by the City of Austin on December 31, 1996 (case C7A-96-002). During the hearing for zoning case C14-04-0201, the staff was directed by the Zoning and Platting Commission to initiate cases to establish permanent SF-1 zoning for all properties that had the interim-rural residential (I-RR) designation on Cindy Lane, Tomanet Trail, and Silver Spur Streets. These properties are located within the North Lamar Area Study, which was adopted by the City Council on October 3, 1985. The study recommends single-family land use for this area located to the south of Parmer Lane (North Lamar Area Study-Map 4, page 16). A conditional use permit for a day care facility was approved for 12504 Tomanet Trail by the Zoning and Platting Commission on July 28, 2009 (case SPC-2009-0064A). The conditions of the CUP limit the day care to a maximum of 35 children.

The staff is recommending denial of the applicant's request because the property is located within an existing single-family neighborhood. The lots under consideration meet the intent of the SF-1 district. The property fronts onto a residential street, Tomanet Trail, and is surrounded by single-family uses and SF-1 zoning to the south and east. There is an established depth of office/commercial zoning transitioning away from Parmer Lane to the north. The staff's recommendation will preserve residential housing opportunities in this area of the city.

The applicant does not agree with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-1	Undeveloped Lot, Day Care Facility (Four Season's Community School)
<i>North</i>	SF-1	Single-Family Residence
<i>South</i>	GR-CO	Retail Center (EZ Loans, Jumbo Donuts, Cricket Wireless, Fed Ex/Kinko's)
<i>East</i>	SF-1	Single-Family Residences
<i>West</i>	P	City of Austin Fire/EMS Station

**AREA STUDY:** North Lamar Area Study**TIA:** Waived**WATERSHED:** Walnut Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
 Austin Monorail Project  
 Austin Neighborhoods Council  
 Austin Parks Foundation  
 Home Builders Association of Greater Austin  
 Homeless Neighborhood Association  
 Lamplight Village Area Neighborhood Association  
 League of Bicycling Voters  
 North Growth Corridor Alliance  
 Sierra Club, Austin Regional Group  
 Super Duper Neighborhood Objectors and Appeals Organization  
 The Real Estate Council of Austin, Inc.

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2010-0166 – (12412 Tomanet Trail)	NO to GR* *On 1/03/10, the applicant amended their request to the staff's rec. of GO-CO	1/04/11: Approved the staff's recommendation of GO-CO zoning on consent (5-0, B. Baker-absent); G. Bourgeois-1 <sup>st</sup> , S. Baldrige-2 <sup>nd</sup> .	2/10/11: Approved GO-CO zoning on consent on all 3 readings (6-0, Martinez- absent); Spelman-1 <sup>st</sup> , Morrison-2 <sup>nd</sup> .
C14-2010-0058 (2209 W. Parmer Lane)	NO to LR-CO	6/15/10: Approved the staff's recommendation of LR-CO zoning by consent (7-0); P. Seeger-1 <sup>st</sup> , S. Baldrige-2 <sup>nd</sup> .	7/29/10: Approved LR-CO on consent (7-0); L. Morrison-1 <sup>st</sup> , M. Martinez-2 <sup>nd</sup> .
C14-2010-0030 (12500 Limerick Ave.)	NO-MU to GO* *The applicant amended his	5/04/10: Approved LO-CO zoning with the following conditions: limit the building size on the site to 2,000 sq. ft.	5/13/10: Denied LO-CO zoning (6-1, L. Leffingwell-No); B. Spelman-1 <sup>st</sup> , L. Morrison-2 <sup>nd</sup> .

	re-zoning request to LO zoning at the 5/04/10 ZAP Commission meeting.	and limit the site to less 200 vehicle trips per day (4-3, D. Tiemann, P. Seeger and B. Baker-No); S. Baldrige-1 <sup>st</sup> , T. Rabago-2 <sup>nd</sup> .	
C14-2009-0078 (Limerick: 12412 Limerick Ave.)	NO to LR* *The applicant sent an e-mail to the staff on 4/29/10 asking to amend his re-zoning request to the GO zoning.	4/20/10: Recommended denial of the applicant's re-zoning request (7-0); D. Tiemann-1 <sup>st</sup> , P. Seeger-2 <sup>nd</sup> .	9/23/10: Denied the re-zoning request (6-0, S. Cole-off dais); L. Morrison-1 <sup>st</sup> , M. Martinez-2 <sup>nd</sup> .
C14-2009-0005 (Tomanet: 12408 Tomanet Trail)	SF-1 to NO	2/17/09: Approved staff's recommendation to deny 'NO' district zoning (6-0, R. Evans-absent); C. Hammond-1 <sup>st</sup> , B.Baker-2 <sup>nd</sup> .	3/26/09: Denied the request for 'NO' zoning (6-0, B. McCracken-off the dias); J. Morrison-1 <sup>st</sup> , R. Shade-2 <sup>nd</sup>
C14-07-0027	SF-2 to NO	4/03/07: Approved the staff's recommendation of NO-MU zoning on consent (6-0, J. Gohil-absented; K. Jackson and S. Hale-absent)	5/03/07: Approved NO-MU zoning by consent (7-0); all 3 readings
C14-06-0097 (Cody Pools: 2300 West Parmer Lane)	I-RR to: <del>GR</del> CS* * On June 6, 2006, the staff received an e-mail from the agent for this case asking to amend the rezoning request for this property from 'GR' to 'CS'. The CS District will permit the Construction Sales and Services use that currently exists on the site.	8/01/06: Approved LR-CO zoning with the following conditions: 700 vehicle trip limit per day and 100-feet of right-of-way reservation from the centerline of Parmer Lane (9-0); K. Jackson-1 <sup>st</sup> , B.Baker-2 <sup>nd</sup> .	8/31/06: Approved LR-CO zoning on 1 <sup>st</sup> reading (7-0); J. Kim-1 <sup>st</sup> , L. Leffingwell-2 <sup>nd</sup> .  9/28/06: Approved LR-CO zoning with conditions by consent (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-05-0054 (Tomanet Estates Zoning #4, City Initiated: 2206-	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings

2310 Cindy Lane)			
C14-05-0053 (Tomanet Estates Zoning #3, City Initiated: 12503-12609 Silver Spur)	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-05-0052 (Tomanet Estates Zoning #2, City Initiated: 12505-12605 Tomanet Trail, 12502-12610 Silver Spur)	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-05-0051 (Tomanet Estates Zoning #1, City Initiated: 12502-12604 Tomanet Trail)	I-RR to SF-1	5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent)	6/09/05: Approved SF-1 (6-0, McCracken-off dias); all 3 readings
C14-04-0201 (12503 Tomanet Trail)	I-RR to LR	2/01/05: Approved staff's recommendation for SF-1 zoning (9-0); J. Martinez-1 <sup>st</sup> , B.Baker-2 <sup>nd</sup> . Motion made for staff to initiate a zoning case for all properties that are zoned I-RR on Cindy Lane, Tomanet Trail and Silver Spur Streets, to SF-1 zoning (9-0); B. Baker-1 <sup>st</sup> , K. Jackson-2 <sup>nd</sup> .	3/03/05: Approved SF-1 on 1 <sup>st</sup> reading (7-0)  4/07/05: Approved SF-1 (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-04-0172 (Filipino Video and Oriental Store: 2309 W. Parmer Lane)	NO to LR	11/16/04: Approved staff rec. of LR-CO (9-0), with the following condition: Drive-in service is prohibited as an accessory use to a commercial use.	1/13/05: Approved LR-CO (7-0); all 3 readings
C14-04-0119 (Ivarra Zoning Change from NO to LR: 2303 W. Parmer Lane)	NO to LR	9/21/04: Approved staff's rec. of LR (7-0)	10/21/04: Approved LR (7-0); all 3 readings
C14-02-0135 (Perfect Shirt: 12500 Tomanet Trail)	NO to GR	9/17/02: Approved staff's rec. of GR-CO zoning by consent (7-0)	10/24/02: Granted GR-CO on all 3 readings (6-0, Dunkerley-absent)
C14-01-0184 (Perfect Shirt: 12500 Tomanet Trail)	NO to GR	1/29/02: Postponed to 2/26/02 by applicant (8-0, A.Adams-absent) 2/26/02: Approved staff's recommendation of GR-CO	4/4/02: Approved ZAP rec. of GR-CO with conditions on all 3 readings (6-0, Goodman out of room)

		zoning with the following conditions: Limit the development intensity to less than 2,000 vehicle trips per day; restrict vehicle access from the property to Tomanet Trail; permit Personal Services as the only 'GR' use; and limit the property to 'NO' uses. (6-0, K. Jackson-absent; N. Spelman, D. Castaneda-left early)	
C14-00-2045 (Perfect Shirt: 12500 Tomanet Trail)	NO to GR	5/9/00: Approved GR-CO (6-2, JR/JM-Nay); for building footprint only for dry cleaning use; permitted 'NO' uses; no access to Tomanet Trail; 2,000 vehicle trip limit per day; limit landscape buffer between sidewalk and street; sidewalks on Tomanet Trail; building square feet not to exceed 2,000 sq. ft.	6/8/00: Approved PC rec. of GR-CO w/ conditions on 1 <sup>st</sup> reading (7-0)  10/12/00: Approved GR-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-98-0082 (Perfect Shirt, Inc.: 12500 Tomanet Trail)	NO to GR	8/4/98: Approved GR-CO w/ conditions (9-0)	9/10/98: Approved PC rec. of GR-CO w/ conditions (6-0); 1 <sup>st</sup> reading  Administrative-EXPIRED 9/7/99, no 3 <sup>rd</sup> reading
C14-96-0037 (Beauty Salon: 2301 W. Parmer Lane)	NO to LR	5/7/96: Approved LR-CO subject to conditions of no more than 12 parking spaces on the site and a 300 vehicle trip per day limit (8-0)	5/23/96: Approved LR-CO subject to conditions (6-0); 1 <sup>st</sup> reading  8/8/96: Approved LR-CO subject to conditions (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-94-0042 (Koch Zoning Change: 12501 Silver Spur)	NO to LO	4/26/94: Approved LO-CO (6-0); subject to ROW; medical offices as only permitted 'LO' use, permit 'NO' uses; 0.15 FAR; 'NO' development regulations	6/9/94: Approved LO-CO (5-0); 1 <sup>st</sup> reading  11/17/94: Approved LO-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

**RELATED CASES:** C14-05-0051 (Previous Zoning Case)  
SPC-2009-0064A (CUP for Day Care Facility)

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
Tomanet Trail	60'	40'	Collector	Not Available
FM 734 (Parmer Lane)	155'	2@41'	Arterial	42,000 (TXDOT,

**CITY COUNCIL DATE:** August 4, 2011

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

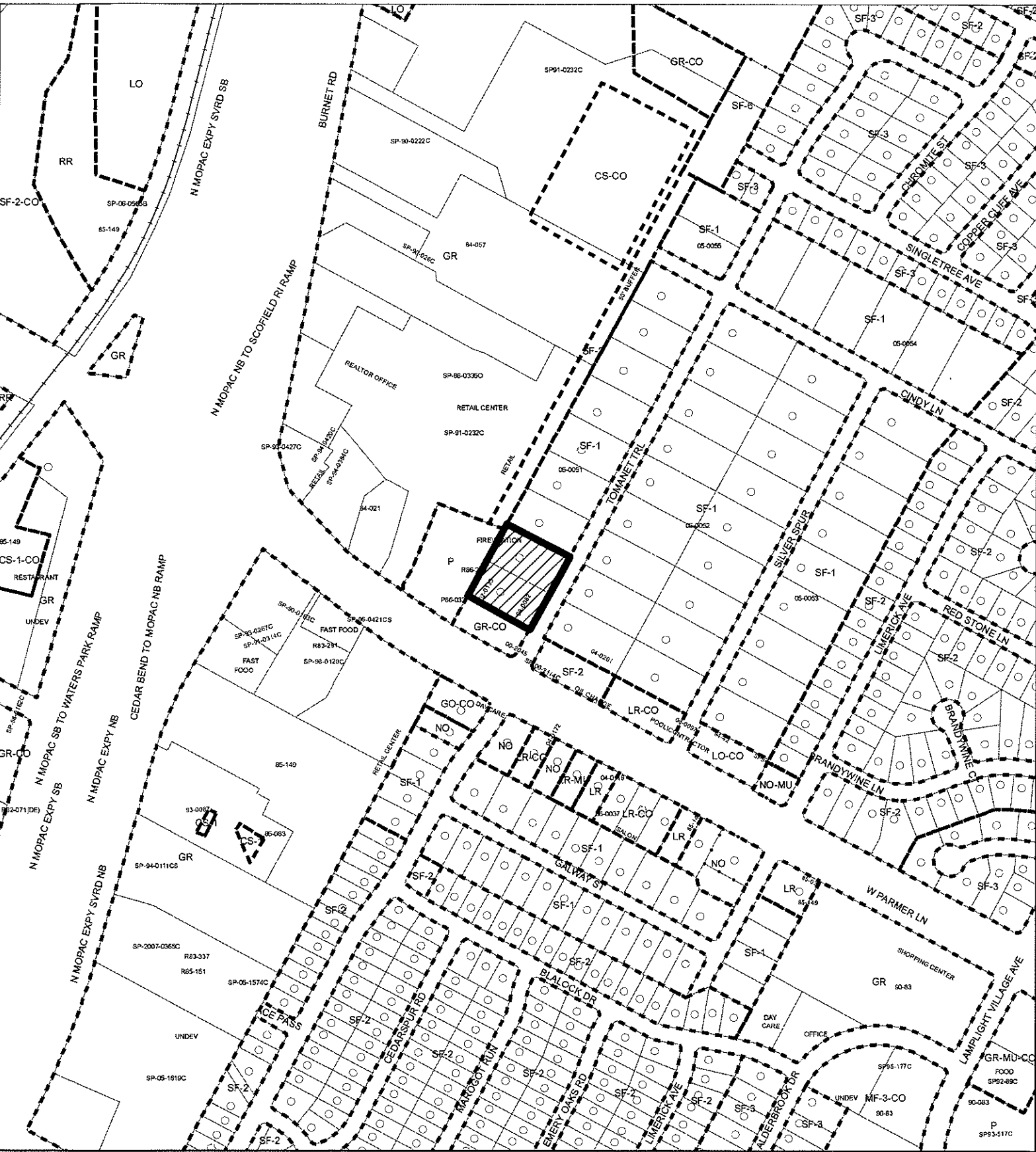
3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057

[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)



# ZONING

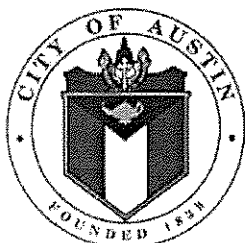
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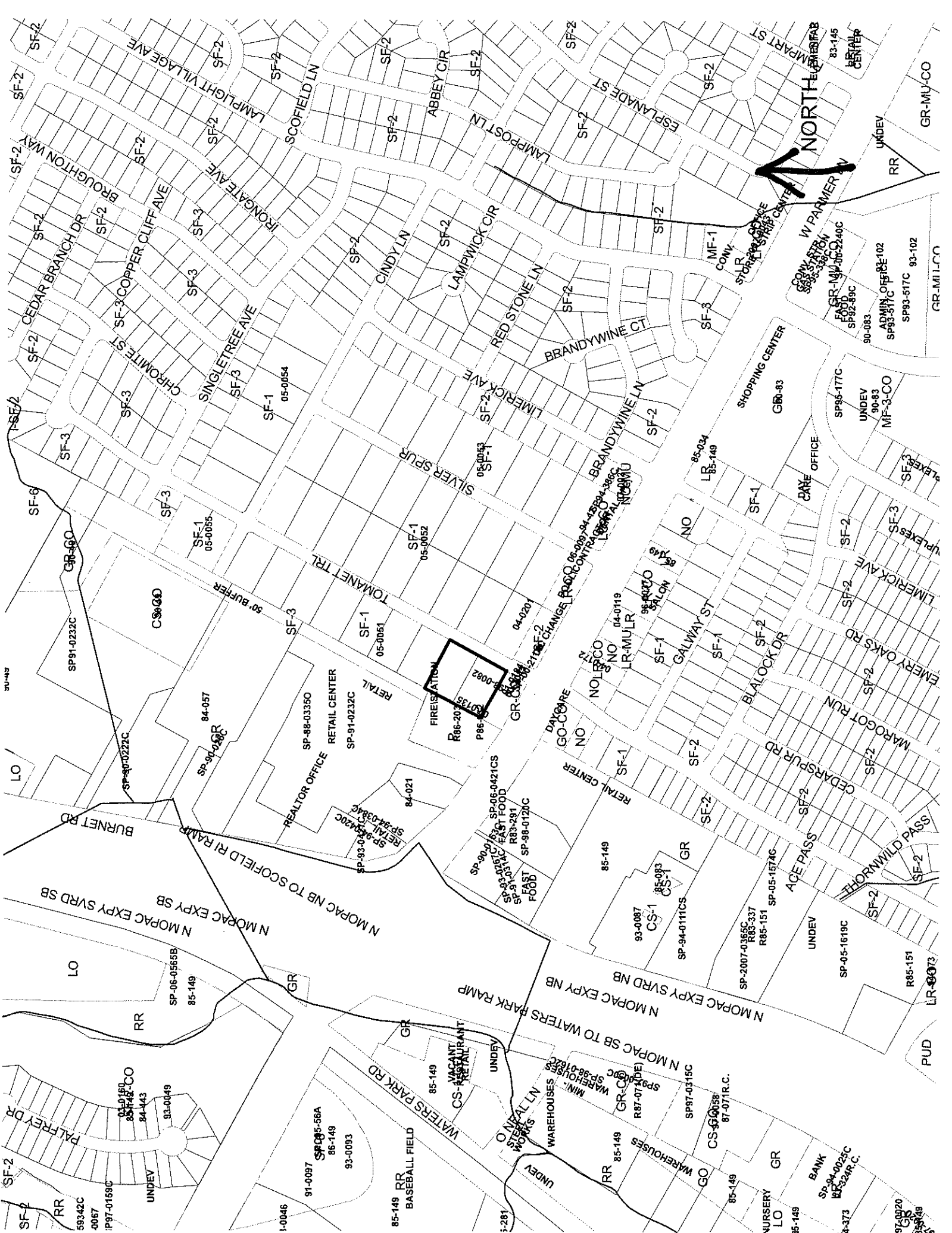
SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING CASE#: C14-2011-0055  
 LOCATION: 12502 & 12504 TOMANET TRL  
 SUBJECT AREA: 1.3276 ACRES  
 GRID: L35  
 MANAGER: SHERRI SIRWAITIS









## **STAFF RECOMMENDATION**

The staff's recommendation is to deny LR, Neighborhood Commercial District, zoning for this site.

## **BASIS FOR RECOMMENDATION**

1. *The proposed zoning **does not** promote consistency and orderly planning.*

The proposed LR, Neighborhood Commercial District, zoning will intrude into an existing single-family residential neighborhood. There is an established depth of office/commercial zoning transitioning away from Parmer Lane to the north. This property is located within the North Lamar Area Study, which recommends single-family land use for this area located to the south of Parmer Lane.

2. *The **current** zoning allows for a reasonable use of the property.*

The existing SF-1 zoning will preserve residential housing opportunities in this area of the city. The property fronts onto a residential street, Tomanet Trail, and is surrounded by single-family uses and SF-1 zoning to the north and east.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site under consideration consists of an undeveloped lot and single family residence that has been converted into a day care facility (Four Season's Community School). There are single-family residences to the north and east. To the west, there is a City of Austin Fire/EMS station. The property to the south, fronting Parmer Lane, contains a retail strip center (EZ Loans, Jumbo Donuts, Cricket Wireless, Fed Ex/Kinko's).

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. According to flood plain maps there is no floodplain within or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

### **Impervious Cover**

The maximum impervious cover allowed by the LR zoning district would be 80%. However, if the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

### **Site Plan / Compatibility Standards**

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Along all property lines adjacent to single family, the following standards will apply with any future development:

- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- d. No parking or driveways are allowed within 25 feet of the property line.
- e. A landscape area is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- f. Additional design regulations will be enforced at the time a site plan is submitted.

An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining property used or zoned as SF-5 or more restrictive. [Sec. 25-2-1067(F)]

FYI for Day Care Facilities: All outdoor play areas regularly used by children must be accessible by a safe route and enclosed by a building or fence at least 4-feet high and with at least two exits [Section 3100 (81.410) Human Resources Code, Chapter 42].

FYI – during a site plan application, the applicant shall define enrollment capacity based on state standards (1:30 sq.ft. usable floor area and 1:80 sq.ft. outdoor fenced area), Texas Department of Human Resources. Enrollment capacity may be limited by site constraints as a condition of City approval [Section 3100 (81.410) Human Resources Code, Chapter 42].

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

### **Transportation**

No additional right-of-way is needed at this time.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 300 vehicle trips per day. [LDC, 25-6-117]

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Tomanet	52	30	Local	No	No	Yes

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

DATE: May 11, 2011  
PHONE:  
TO: City of Austin  
FROM: Illan Kessler  
RE: Zoning Application

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Thank you very much for taking the time to consider my application.

I wish to rezone 2 contiguous properties located at 12502 and 12504 Tomanet Trail. The zoning request is for LR. The purpose of this application is for the opportunity to offer limited services that are compatible and complementary to the current neighborhood.

This request is open to any conditional overlays that increase the consideration of this application. This application also welcomes prohibiting and/or identifying specific uses. If necessary, I am also agreeable to modify the zoning code request for one or both properties.

For over the last 10 + years the vacant lot at 12502 Tomanet Trail was mostly used for storing a large tractor trailer truck, and often times for abandoning stolen cars & other discarded items. My plan is to clean and improve this land. The awkward location and proximity to Parmer Lane makes it less than feasible for a residential site. We believe the most appropriate use for this land would be a non-intrusive commercial designation.

Please note that the traffic impact to the area would be a nominal amount of vehicle trips per day. There is no reason for an increase in traffic through the residential streets due to the property position just off Parmer Lane; & the lack of a direct route through the neighborhood.

The following case numbers are the most comparable to this application. My property has many similarities with the property that was approved. However, there is a fundamental difference with the property that was declined. *See relevance below.*

- CASE No. C14-2010-0166, 12412 Tomanet Trail. – STAFF RECCOMENDATION  
Relevance: The property access is from Tomanet Trail.
- CASE No. C14-04-0201 -12503 Tomanet Trail - STAFF NOT RECCOMENDED  
Relevance: The Property at 12503 has only 1 contiguous commercial border. In contrast 12502 has 3 contiguous commercial borders; & combined 12502 and 12504 have 2.

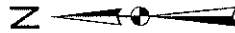
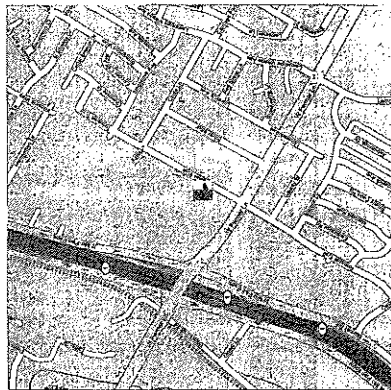
Feel free to contact me at any time. I am grateful for the opportunity and experience to participate in the zoning process.

Illan David Kessler  
280 East Dunstable Rd. Nashua NH 03062  
Phone: 603 930 1291. Fax: 603 888 4425  
[info@northpolexmastrees.com](mailto:info@northpolexmastrees.com)



12504 Tomanet Trail, Austin, TX 78727  
Four Seasons Community School  
Site Plan

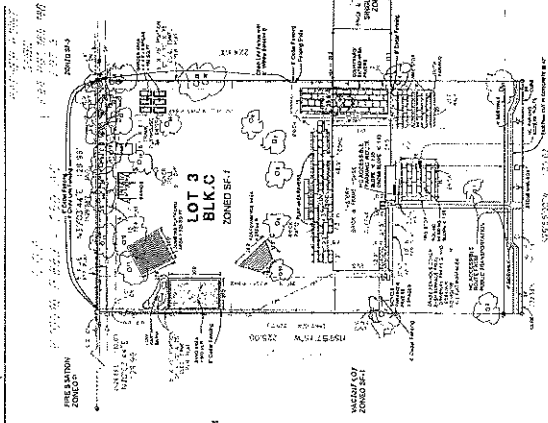
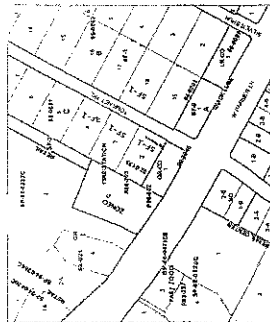
HOURS OF OPERATION:  
7:00 A.M. - 6:00 P.M. Monday through Friday



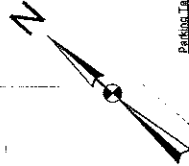
No construction will occur with this permit.

Construction Requirements

1. All improvements shall be made in accordance with the applicable code. Any additional improvements, and any other improvements, shall be made in accordance with the applicable code. Any improvements, and any other improvements, shall be made in accordance with the applicable code.
2. The applicant shall provide a detailed description of the proposed improvements, including a list of the improvements to be made, a description of the improvements, and a description of the improvements.
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10. The applicant shall provide a detailed description of the proposed improvements, including a list of the improvements to be made, a description of the improvements, and a description of the improvements.



SCALE 1" = 30'



Parking Table

Land Use	# of Employees	Required Parking Ratio	Spaces	Standard	HC (Van Accessible)
Day Care (commercial)	3	1:1 (Van Accessible)	3	2	1

1 ADA - HC Space  
Van Accessible Space  
No Handicapped Sign Required



CASE NUMBER  
SPC-2009-0064A

SITE PLAN: APPROVAL SHEET 1 of 1  
FILE NUMBER: SPC-2009-0064A  
APPROVED BY COMMISSION ON 11/14/09 UNDER SECTION 14.2 OF CHAPTER 25-5 OF THE CITY OF AUSTIN CODE.  
EXPIRATION DATE: 11/14/12 CASE MANGER: N14064124  
PROJECT EXPIRATION DATE: 08/27/2015-11/14/2012 DDZ: V

Director, Watershed Protection and Development Review  
RELEASED FOR GENERAL COMPLIANCE: 11/14/09 ZONING: SE-1  
Rev. 1: Correction 1  
Rev. 2: Correction 2  
Rev. 3: Correction 3

Final plan must be recorded by the Project Registration Date. (If applicable, Subsequent Site Plan shall do not comply with the Code current at the time of filing, and on required Building Permits and/or a notice of construction (if a building permit is not required), may also be approved prior to the Project Registration Date.

6. Limited to 35 Children per CUP  
Approval.

9. ZAP Approved waiver from 95-2-1047(LF) to permit an intensive use within 50 feet of property and no more than 55 feet of property.

Item # C4

Sirwaitis, Sherri

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**From:** [REDACTED]  
**Sent:** Tuesday, July 19, 2011 10:20 AM  
**To:** Sirwaitis, Sherri  
**Subject:** opposed to this zoning change to case # C14-2011-0055

I am opposed to this zoning change.

Robert Barker  
2316 N Shields Dr  
Austin, TX 78727-3146  
[REDACTED]

7/19/2011

**Sirwaitis, Sherri**

---

**From:** [REDACTED]  
**Sent:** Tuesday, July 19, 2011 9:30 AM  
**To:** Sirwaitis, Sherri  
**Subject:** Opposition to Case Number: C14-2011-0055

Hello,

I would like to state my opposition to the zoning hearing today regarding 12502 AND 12504 TOMANET TRAIL.  
(Case Number: C14-2011-0055)

I have lived in this area (Tomanet Trail from 1963 to 1980, and Lamplight Village from 1980 to present) my entire life. While we know that growth of commercial properties is generally good for the city, it isn't good for neighborhoods. I would like to state my opposition to rezoning a residential home to commercial zoning because, once one property is rezoned it opens the door to multitudes being rezoned. Rezoning would bring traffic into our streets, would cause congestion to already congested streets and put the safety of children, adults and pets in jeopardy.

Please do not rezone these properties; we would like to keep the integrity of our neighborhood for families not businesses.

Becky Wooley  
13111 Lamplight Village Ave.  
Austin, Texas 78727  
[REDACTED]

7/19/2011



**Sirwaitis, Sherri**

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**From:** kim johnson [REDACTED]  
**Sent:** Tuesday, July 19, 2011 9:18 AM  
**To:** Sirwaitis, Sherri  
**Subject:** 12502 and 12504 Tomanet Trail; Case number: C14-2011-0055

NO, NO, NO. Stop the encroaching into our neighborhood, our streets, our living spaces.

Once you approve this zoning where will it stop???? Once you do this all the other businesses that have in the past asked for rezoning if they purchase lots in the hood could see this as an opportunity for expansion.

Please continue to PRESERVE our neighborhood streets and the residents who love living in Lamplight Village because of them. Stop the ENCROAHMENT of businessess in our LIVING spaces.

I oppose this rezoning.

Kim Johnson  
12600 Esplanade St.  
Austin, TX 78727  
[REDACTED]

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2011-0055

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing: July 19, 2011, Zoning and Planning Commission  
Aug. 4, 2011, City Council

JEAN FERRARI

Your Name (please print)

12506 Silver Spur

Your address(es) affected by this application

Jean Ferraris

Signature

Date

Daytime Telephone: 512-255-3360

Comments: Jeanette Estates is already checked by commercial properties. We had to fight to stop business from using our street & drive ways for parking. If this is allowed it will definitely degrade our property value and quality of life.

If you use this form to comment, it may be returned to:

City of Austin  
Planning & Development Review Department  
Sherri Sirwaitis  
P. O. Box 1088  
Austin, TX 78767-8810

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Case Number: C14-2011-0055

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing: July 19, 2011, Zoning and Platting Commission  
Aug. 4, 2011, City Council

YENDRA RAMA  
Your Name (please print)

☒ I am in favor  
☐ I object

12502 Silver Spur Austin TX 78727  
Your address(es) affected by this application

Yendra Rama  
Signature

7-16-2011  
Date

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_

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Case Number: C14-2011-0055

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing: July 19, 2011, Zoning and Platting Commission  
Aug. 4, 2011, City Council

YENDORA RAMA  
Your Name (please print)

12502 Silver Spur Austin TX 78727  
Your address(es) affected by this application

Yndora Ramak  
Signature

Daytime Telephone: 512-565-6255

Comments:

☒ I am in favor  
☐ I object

7-16-2011  
Date

If you use this form to comment, it may be returned to:

City of Austin  
Planning & Development Review Department  
Sherri Sirwaitis  
P. O. Box 1088  
Austin, TX 78767-8810

**Sirwaitis, Sherri**

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**From:** R. B. [REDACTED]  
**Sent:** Tuesday, July 19, 2011 4:55 PM  
**To:** Sirwaitis, Sherri  
**Subject:** Case Number: C14-2011-0055

I recently was made aware of this zoning change request in Case Number: C14-2011-0055.  
The request is to change some property from single family housing to commercial.  
I object to this change. The street is residential in nature now and such a change would negatively impact the neighborhood. We need to preserve it.  
I live nearby at 2107 Brandywine Lane, just a few blocks away.

Richard Byrnes